

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

NEW YORK STATE RIFLE AND PISTOL  
ASSOCIATION, INC. and ROBERT NASH,

*Plaintiffs,*

v.

GEORGE P. BEACH II, et al,

*Defendants.*

Civil Action No.  
1:18-CV-0134 (BKS/ATB)

**CONSENT MOTION OF EVERYTOWN FOR GUN SAFETY FOR LEAVE  
TO PARTICIPATE AS AMICUS CURIAE**

With the consent of all parties, Everytown for Gun Safety (“Everytown”) respectfully moves for leave to participate as amicus curiae in support of the defendants’ motion to dismiss the complaint (Dkt. No. 19). If granted leave, Everytown will file the memorandum attached as Exhibit A to the accompanying declaration.

Everytown is the largest gun-violence-prevention organization in the country, whose supporters include tens of thousands of people in New York and the mayors of more than 65 cities and towns in the state—including Albany, Buffalo, Syracuse, and New York City. Everytown has drawn on its substantial research on historical firearms laws to file amicus briefs and memoranda in several recent Second Amendment cases, including cases involving public-carry licensing regimes. *See Wrenn v. District of Columbia*, No. 16–7025 (D.C. Cir.); *Peruta v. San Diego*, No. 10–56971 (9th Cir.); *Flanagan v. Becerra*, No. 2:16-cv-06164-JAK-AS 14–16840 (C.D. Cal. 2017). As in those cases, Everytown seeks to assist this Court by providing relevant historical materials.

While the Second Circuit's decision in *Kachalsky v. County of Westchester*, 701 F.3d 81 (2d Cir. 2012), directs the ultimate result here, Everytown seeks leave to file the attached memorandum in order to provide the Court with additional historical analysis supporting defendants' motion to dismiss. Since *Kachalsky*, historians and legal scholars have produced a substantial amount of historical research which reinforces the constitutionality of New York's law. The attached memorandum provides an account of that tradition and thus should assist this Court in issuing an opinion consistent with *Kachalsky*, dismissing Plaintiffs' challenge here.

All parties have consented to the filing of this proposed amicus memorandum. As this motion is being filed within seven days of defendants' motion to dismiss, allowing Everytown leave to file as amicus will not cause any unnecessary delay. The proposed memorandum is attached as an exhibit to the declaration to this motion. A proposed order is attached as well.

Dated: April 2, 2018  
New York, New York

Respectfully submitted,

\_\_\_\_\_/s\_\_\_\_\_  
Ilann M. Maazel  
O. Andrew F. Wilson  
EMERY CELLI BRINCKERHOFF &  
ABADY, LLP  
600 Fifth Avenue, 10th Floor  
New York, NY 10020  
(212) 763-5000  
imaazel@ecbalaw.com  
awilson@ecbalaw.com

EVERYTOWN FOR GUN SAFETY  
SUPPORT FUND  
Eric Tirschwell  
Mark Anthony Frassetto  
132 E. 43rd Street, # 657  
New York, NY 10017

*Counsel for Amicus Curiae  
Everytown for Gun Safety*